

LEGAL NOTICE
BOROUGH OF SOUDERTON
MONTGOMERY COUNTY, PENNSYLVANIA

NOTICE is hereby given that Souderton Borough Council will hold a public hearing on Monday, December 5, 2022 beginning at 7:00 pm in the Council Chambers of the Souderton Municipal Building, 31 W. Summit Street, Souderton, PA to consider the following Ordinance:

ORDINANCE NO.

AN ORDINANCE ESTABLISHING AN EMERGENCY MANAGEMENT AGENCY WITHIN THE BOROUGH OF SOUDERTON; PROVIDING FOR THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; ESTABLISHING THE POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT AGENCY AND THE EMERGENCY MANAGEMENT COORDINATOR; PROHIBITING OBSTRUCTION OR HINDERANCE OF EMERGENCY MANAGEMENT PERSONNEL; PROVIDING PENALTIES FOR VIOLATIONS; AND REPEALING INCONSISTENT ORDINANCES.

The Borough Council of the Borough of Souderton hereby ENACTS and ORDAINS, as follows:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings indicated:

COORDINATOR - The Emergency Management Coordinator of the Emergency Management Agency of the Borough of Souderton as appointed in accordance with the provisions of this Ordinance. In the event that the position of Emergency Management Coordinator is vacant or the appointed Emergency Management Coordinator is unavailable or unable to perform the duties of Emergency Management Coordinator during a disaster or declared emergency, the Chief of Police of the Souderton Police Department shall perform the duties of the Emergency Management Coordinator until such position is filled, the appointed Emergency Management Coordinator becomes available, or the disaster or declared emergency has ended.

DECLARED EMERGENCY - A declared emergency directly and specifically affecting or including the Borough of Souderton as may be lawfully declared by the Commonwealth of Pennsylvania or the government of the United States, or as may be declared a local emergency by the Borough of Souderton in accordance with the Pennsylvania Emergency Management Services Code.

DISASTER - An actual or threatened attack, natural disaster, extraordinary fire, epidemic evacuation, or any other threatened or actual emergency or calamity which endangers or threatens to endanger the health, safety, life, or property of the residents of the Borough of Souderton or threatens the constituted government of the nation or the commonwealth.

EMERGENCY MANAGEMENT – The managerial function charged with creating the framework within which the Borough of Souderton reduces vulnerability to hazards and copes with disasters.

EMERGENCY MANAGEMENT FORCES – The employees and facilities of all Borough departments, elected and appointed officials, and employees and all volunteer personnel, equipment, and facilities contributed by or obtained from volunteer persons or agencies.

EMERGENCY MANAGEMENT PERSONNEL – Any person duly enrolled, identified, and appointed by the Coordinator and assigned to participate in Emergency Management Activity.

REGULATIONS – The plans, programs, and emergency procedures established by the Emergency Management Agency which are deemed essential to an adequate program.

VOLUNTEER – A person contributing a service, equipment, or facility to the Emergency Management Agency without remuneration.

SECTION 2. PURPOSE AND INTENT. The purpose and intent of this Ordinance shall be to:

- A. Establish an Emergency Management Agency that will be responsible for the complete and efficient utilization of all Borough employees, equipment, and facilities to safeguard and protect life and property within the Borough of Souderton during a declared emergency or disaster.
- B. Establish the Emergency Management Agency and its attendant responsibilities, duties, and powers, including but limited to provision for the promulgation of a basic emergency management plan with necessary lines of succession.
- C. Establish the office of Emergency Management Coordinator and the position's responsibilities, duties, and powers as Coordinator of the Emergency Management Agency.
- D. Provide for the development of emergency management regulations.

SECTION 3. AGENCY CREATED; MEMBERSHIP; COORDINATOR; FACILITIES.

- A. There is hereby created an Emergency Management Agency for the Borough of Souderton. The Emergency Management Agency shall consist of a Coordinator who shall be appointed by Borough Council. The Coordinator may appoint a staff as shall be necessary, subject to the approval of Borough Council. In a declared emergency,

the Coordinator shall consult or confer with the Mayor, the Chief of Police, and such other officials and organizations as the Coordinator shall consider appropriate.

- B. The Emergency Management Coordinator shall be professionally competent and capable of planning and implementing coordination among various departments and generally controlling operations by emergency preparedness forces. The Coordinator shall be certified by the Commonwealth of Pennsylvania and shall have received prior to appointment an appropriate level of training and education relating to emergency management and/or domestic emergency preparedness from the commonwealth or a federal agency such as the Federal Emergency Management Agency. Following appointment, the Emergency Management Coordinator shall continue to obtain additional training and education relating to emergency management and/or domestic emergency preparedness from approved and accredited state and federal agencies. Nothing herein shall prevent the Coordinator from holding another appointed governmental position provided that such appointed position shall not interfere with the duties and responsibilities as set forth in this Ordinance. At no time shall the coordinator hold an elected governmental office while serving as Emergency Management Coordinator.

- C. The employees, equipment, and facilities of all Borough departments shall be at the disposal of the Emergency Management Coordinator during a declared emergency and will participate as directed by the Coordinator with the approval of Borough Council, provided, however, that the duties and responsibilities assigned to the various departments by the Coordinator shall be the same or similar to the normal activities of said departments.

SECTION 4. POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT AGENCY. Subject to the direction and authority of Borough Council, the Emergency Management Agency shall have the following powers and duties:

- A. To prepare a comprehensive plan for emergency management and keep the basic plan current to provide for the fullest protection of the Borough and its residents in case of disaster or declared emergency.

- B. To recommend to Borough Council and to the Mayor and Chief of Police all necessary rules and regulations for the implementation of the basic plan, and all rules and regulations necessary for the protection of the Borough and its residents in case of disaster or declared emergency.

- C. To provide individual and organizational training programs to ensure prompt, efficient, and effective disaster emergency service.

- D. To organize, prepare, and coordinate all locally available manpower, materials, supplies, equipment, facilities, and services necessary for disaster emergency readiness, response, and recovery.

- E. To adopt and implement precautionary measures to mitigate the effects of disaster.

- F. To have available for inspection at its emergency operations center all the emergency management plans, rules, and orders of the Agency.
- G. To provide prompt and accurate information regarding local disaster emergencies to appropriate commonwealth, county, and local officials and the general public,

SECTION 5. POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT COORDINATOR. Subject to the provisions of this Ordinance or as required by law, the Emergency Management Coordinator shall have the following powers and duties:

- A. To oversee the formulation of the basic plan of emergency management and to direct its implementation in time of disaster or declared emergency.
- B. To designate the lines of succession within the Emergency Management Agency and be responsible for the proper performance of all necessary duties and functions assigned to the various departments under the basic plan.
- C. To make recommendations for rulings, orders, or ordinances on behalf of the Emergency Management Agency to the Borough Council, or Council's designated alternate, whenever requested to do so and whenever it is deemed necessary or advisable.
- D. To make reports to the Borough Council and the Mayor, as required.

SECTION 6. OBSTRUCTION OR HINDRANCE. It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein or to willfully obstruct, hinder, or delay any member of the Emergency Management Agency as herein defined in the enforcement provisions of this Ordinance or to any regulation, plan, or order issued hereunder.

SECTION 7. VIOLATIONS AND PENALTIES. Any person who violates or permits a violation of this Ordinance shall, upon conviction thereof be sentenced to pay a fine not exceeding One Thousand Dollars (\$1,000.00) for each violation, plus court costs and reasonable attorneys' fees. Each day or portion thereof that such violation continues shall constitute a separate offence.

SECTION 8. REPEALER. All ordinances or parts or ordinances inconsistent herewith are hereby repealed.

SECTION 9. SEVERABILITY. If any provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other provision or of this Ordinance as a whole.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective immediately.

ORDAINED and ENACTED this 5th day of December, 2022.

BOROUGH OF SOUDERTON

(BOROUGH SEAL)

By: _____
Tracy W. Burke, President

Attest: _____
P. Michael Coll, Secretary

APPROVED this 5th day of December, 2022.

Daniel L. Yocum, Mayor

The Public is invited to attend and will be given opportunity to make comment.

P. Michael Coll, Borough Manager/Secretary